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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

MATTHEW ROCHELLE,

Defendant and Appellant.

B235840

(Los Angeles County  
Super. Ct. No. BA361772)

APPEAL from a judgment of the Superior Court of Los Angeles County. Leslie A. Swain, Judge. Affirmed.

Jean Ballantine, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Matthew Rochelle was, by all accounts, mentally ill. He had been institutionalized on several occasions and diagnosed with paranoid schizophrenia. In November 2008 Rochelle was housed in a high observation mental health unit at the Twin Towers Correctional Facility following his arrest for burglary, battery of emergency personnel and resisting arrest. On May 28, 2009 he was found incompetent to stand trial and was committed to the Department of Mental Health (Pen. Code, §§ 1368-1370).<sup>1</sup> While awaiting transfer to Patton State Hospital, Rochelle beat and stomped his cellmate to death on August 31, 2009. He was thereafter charged by amended information with one count of murder (§ 187, subd. (a)).

According to the evidence introduced during trial of the guilt phase, Los Angeles County Sheriff's deputies found Rochelle standing in his cell and his cellmate, Cedric Walton, lying on the floor gasping for air. Walton had a large laceration on his face. He was transferred to the hospital, where he was pronounced dead. During an interview Rochelle admitted to deputies he had attacked Walton, relating several versions of how the attack occurred; and Rochelle claimed Walton was an alien, a devil or a witch and made other delusional statements.<sup>2</sup>

At the conclusion of the guilt phase, the jury convicted Rochelle of second degree murder. The following week the same jury found Rochelle legally insane at the time he committed the murder. The trial court denied Rochelle's motion to reduce the offense to manslaughter and ordered him committed to Patton State Hospital with a maximum commitment not to exceed life.

Rochelle filed a timely notice appeal challenging the rulings and verdict of the guilt phase and ruling and findings made in connection with his commitment, but not the jury's finding of not guilty by reason of insanity. (See *People v. Somerset* (1994) 159 Cal.App.3d 1124.) We appointed counsel to represent him on appeal.

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<sup>1</sup> Statutory references are to the Penal Code.

<sup>2</sup> The jury heard and received transcripts of the taped interview.

After examination of the record counsel filed an opening brief in which no issues were raised. On February 10, 2012 we advised Rochelle he had 30 days within which to personally submit any contentions or issues he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied that Rochelle's attorney has fully complied with the responsibilities of counsel and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

PERLUSS, P. J.

We concur:

WOODS, J.

JACKSON, J.